

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JOHN DOE a/k/a SEAN W. LEE,)
Plaintiff,)
v.)
WILLIAM LEE, Governor of Tennessee,) No. 2:21-cv-02156-SHL-atc
and DAVID B. RAUSCH, Director of the)
Tennessee Bureau of Investigation,)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Annie T. Christoff's Report and Recommendation on Plaintiff John Doe, a/k/a Sean W. Lee's Motion for Leave to File a Second Amended Complaint, (the "Second Report and Recommendation") (ECF No. 71), filed January 25, 2023. On August 25, 2022, the Magistrate Judge filed a Report and Recommendation, (the "First Report and Recommendation") (ECF No. 52), on Defendants William Lee's and David B. Rausch's Motion to Dismiss in Part, (the "Motion to Dismiss") (ECF No. 39). The Parties filed objections to the First Report and Recommendation, (ECF Nos. 55, 56), and, on October 6, 2022, Plaintiff filed a Motion for Leave to File a Second Amended Complaint, (the "Motion to Amend") (ECF No. 60). As noted by the Magistrate Judge, the Motion to Amend effectively moots the Motion to Dismiss and the First Report and Recommendation. (ECF No. 71 at PageID 509.)

In the Second Report and Recommendation, the Magistrate Judge recommends that Plaintiff's Motion to Amend be granted in part and denied in part. (*Id.* at PageID 506.) Specifically, the Magistrate Judge recommends allowing Plaintiff to file the Second Amended

Complaint as including Counts I, II, III(g), IV, V, and VI. (Id. at PageID 522.) The Magistrate Judge further recommends striking Counts III(a)-(f) from the Second Amended Complaint. (Id.)

Pursuant to Federal Rule of Civil Procedure 72(b)(2), “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” No objections to the Second Report and Recommendation have been filed, and the time for filing objections has expired. See Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2).

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee notes. On clear-error review of the Magistrate Judge’s Second Report and Recommendation, the Court hereby **ADOPTS** the Second Report and Recommendation in its entirety.

Accordingly, Plaintiff’s Motion to Amend is **GRANTED IN PART AND DENIED IN PART**. Plaintiff should file a Second Amended Complaint that includes Counts I, II, III(g), IV, V, and VI as a separate entry on the docket within fourteen (14) days of the date of this Order. Furthermore, Defendants’ Motion to Dismiss, (ECF No. 39), is **DENIED AS MOOT**.

IT IS SO ORDERED, this 14th day of February, 2023.

s/ Sheryl H. Lipman _____
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE